

REMARKS

The applicants have carefully reviewed the Office action mailed on December 8, 2008, and the references cited therein. In the Office action, claims 1-3, 6-7, 10-11, 13-18, 21-22, and 24-32 were rejected as unpatentable over Bhatt (US 2002/0073426) in view of Trovato (US 6,445,306), and in further view of Chaney (US 5,515,106). Claims 1-3, 6-7, 10-11, 13-18, 21-22, and 24-32 remain pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 16, and 32 are independent. Accordingly, in view of the following remarks, it is respectfully submitted that all claims are in condition for allowance, and reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 103

In general, claims 1, 16, and 32 were previously amended to include the recitation that a set top box processor is configured to suspend operation of a process for temporally sorting and storing data when an electronic program guide (EPG) application accesses data stored in physical memory. The set top box suspends the temporal sorting process when the EPG application accesses the program guide data stored in memory. More specifically, claim 1 recites, *inter alia*, an electronic program guide application that is configured to cause a processor to suspend operation of a temporal sorting process when the electronic program guide application accesses program guide data stored in physical memory. Claims 16 and 32 similarly recite, *inter alia*, suspending the operation of a temporal sorting process when an application accesses data stored in physical memory, and an application configured to suspend operation of at least two low-priority temporal sorting processes when the application accesses data stored in physical memory.

In the Office action dated December 8, 2008, the pending independent claims were rejected as being unpatentable over Bhatt in view of Trovato and in further view of Chaney. However, none of the art of record teaches or suggests the suspension of temporal sorting and

storage of data when an application accesses data stored in physical memory. Specifically, none of Bhatt, Trovato, or Chaney describes the suspension of a sorting process as recited in claims 1, 16, and 32. Accordingly, it is respectfully submitted that independent claims 1, 16, 32, and all claims dependent thereon are in condition for allowance.

The deficiencies of Bhatt and Trovato have been well documented during the present prosecution and will not be repeated herein. Suffice to say, neither Bhatt nor Trovato teaches or suggests a set top box configured to initiate a temporal sorting process of electronic program guide data and the suspension of the temporal sorting process when an EPG application accesses data stored in physical memory. These deficiencies are confirmed in the present action.

To cure the deficiencies of Bhatt and Trovato, the present action relies upon Chaney. Specifically, the action alleges that Chaney describes a set top box having a processor “directing a process to temporally sort EPG data into master guide data in the physical memory...and the special guide data in the distant future” and “to cause the processor to suspend operation of at least one process when the EPG application accesses the program guide data.” (*Office action*, page 5-6). The applicants respectfully traverse the characterization of the description of Chaney, and note that, as explained below, despite the assertions in the present action, Chaney fails to teach or suggest either of a set top box that temporally sorts electronic program guide data, or the suspension of a temporal sorting process when the EPG application accesses the program guide data as recited in the present claims.

In contrast, Chaney describes the pre-sorting of program guide information before the transmittal of the relevant data at the transmitter and fails to teach or suggest any temporal sorting at the set top box. Moreover, Chaney describes the suspension of all processes during processing of the presorted data, including the suspension of the EPG application process and

fails to teach or suggest the suspension of a temporal sorting process when an EPG application accesses the data. For example, as illustrated in FIGS. 1 and 2, the Chaney system includes a scheduler operatively coupled to a plurality of transmitters. (*Chaney*, FIGS. 1 and 2; col. 3, ll. 15-55). The scheduler scans a database of program guide information stored at the broadcast station and periodically generates a master program guide and a special program guide before any guide data is transmitted to the local set top box. (*Chaney*, col. 4, ll. 19-30). The master program guide includes items that will be broadcast within the next few hours, and all programs currently in progress. (*Id.*). The presorted special guide includes program guide data for a longer period of time and for broadcasts that will occur much further into the future. Accordingly, Chaney fails to teach or suggest a set top box having a processor configured to initiate a temporal sorting process as recited in the present claims.

Additionally, as described in Chaney, “during intervals that the special guide is to be processed, scanned, and/or manipulated, no other services will be processed.” (*Chaney*, col. 7, ll. 28-37). In other words, when the Chaney set top box is processing the received presorted program guide data, it suspends all other processes, including the EPG application. Thus, the manipulation of the presorted program guide is processed first, regardless of other processes that may need to be executed. This, however, is precisely opposite to the recitations in the present claims, which call for the EPG application to suspend the temporal sorting process. Specifically, in the recited claims, the EPG application takes precedence, and when the EPG application requires data, the temporal sorting process (which isn’t even present in the set top box of Chaney) is suspended such that performance of the EPG application will not be adversely effected.

Therefore, due to the deficiencies in each of Bhatt, Trovato, and Chaney, it follows that no combination of Bhatt, Trovato, and Chaney can render obvious claims 1, 16, 32, or

any claims dependent thereon. In particular, because none of Bhatt, Trovato, or Chaney teaches or suggests a set top box processor configured to initiate at least one process to direct that program guide data be temporally sorted and stored and an electronic program guide application configured to cause the processor to suspend operation of the temporal sorting process, no combination of Bhatt, Trovato, and Chaney can result in a set top box system as claimed. Accordingly, it is respectfully submitted that claims 1, 16, 32, and all claims dependent thereon are in condition for allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below. Should any fees be associated with this submission, the Director is authorized to charge Applicant's Deposit Account 50-0383, or credit any overpayments to this same account.

Respectfully submitted,



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